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Sarojini Vs. the Joint Director

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Court : Kerala

Decided On : Feb-14-2014

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Sarojini

Respondent : The Joint Director

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN FRIDAY,THE14H DAY OF FEBRUARY201425TH MAGHA, 1935 WP(C).No. 2764 of 2014 (U) ---------- PETITIONER: ---------- SAROJINI, AGED83YEARS, D/O.PONNU, PULIYARA VEEDU, KARIYIL, KAZHAKKUTTAM P.O, THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.J.JAYAKUMAR RESPONDENTS: ---------- 1. THE JOINT DIRECTOR, RESURVEY REGIONAL OFFICE, THIRUVANANTHAPURAM, PIN-695 001.

2. THE TAHSILDAR, THIRUVANTHAPURAM TALUK OFFICE, KOTTAKKAKAM, THIRUVANANTHAPURAM, PIN-695 001.

3. THR TALUK SURVEYOR, TALUK OFFICE, KOTTAKKAKAM, THIRUVANANTHAPURAM, PIN-695 001.

4. THE VILLAGE OFFICER, ATTIPRA VILLAGE OFFICE, THIRUVANANTHAPURAM DISTRICT, PIN-695 005. BY SENIOR

GOVERNMENT PLEADER SRI.K.C.VINCENT THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON1402-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Msd. WP(C).No. 2764 of 2014 (U) ---------- APPENDIX ---------- PETITIONER(S)' EXHIBITS: ---------- EXHIBIT P1: TRUE COPY OF COMPLAINT NO. 619/2012 FILED BY THE PETITIONER AND HER SISTER RAJAMMA BEFORE THE HON'BE LOK AYUKTA, KERALA, THIRUVANANTHAPURAM. EXHIBIT P2: TRUE COPY OF THE ACTION TAKEN REPORT DATED0601-2013 OF THE2D RESPONDENT BEFORE THE LOK AYUKTA. EXHIBIT P3: TRUE COPY OF THE LETTER DATED0309-2013 FILED BY THE PETITIONER'S SON THULASIDHARAN BEFORE THE2D RESPONDENT EXHIBIT P4: TRUE COPY OF THE

ORDER
DATED0512-2013 IN COMPLAINT NO.619/2012B OF THE LOK AUUKTA, THIRUVANANTAHPURAM. EXHIBIT P5: TRUE COPY OF THE ENCUMBRANCE CERTIFICATE OF PETITIONER'S PROPERTY FROM0101/1932 TO2502/2012. RESPONDENT(S)' EXHIBITS: ---------- NIL //TRUE COPY// P.A.TO JUDGE. Msd. P.N.RAVINDRAN, J.

---------- W.P.(C) No.2764 of 2014 ---------- Dated this the 14th day of February, 2014

JUDGMENT

Ext.P4 order passed by the Kerala Lok Ayukta on 5.12.2013 closing Complaint No.619 of 2012 is under challenge in this writ petition. Ext.P1 is a copy of the complaint, which was closed by the said order. The relief sought in Ext.P1 is for an order directing the respondents therein, who are joined as respondents in the instant writ petition as well, to correct the resurvey records relating to the land belonging to the petitioner. The contention raised in the complaint before the Lok Ayukta is that as per resurvey records the petitioner's lands are situate in Resurvey Nos.528/8 and 542/18 respectively, that the total extent of land is shown in the resurvey records as 13.15 ares and 21.40 ares, but as a matter of fact, the lands have a total extent of 2.80 acres. The Lok Ayukta closed the complaint on

the ground that from a reading of Ext.P1 complaint it is evident that the grievance voiced therein is regarding mistakes in the resurvey records.

2. Section 13A of the Kerala Survey and Boundaries Act, 1961 empowers the District Collector to correct the discrepancies, inaccuracies, defects or mistakes of any kind in the determination of any survey boundary. In the light of the said stipulation, the W.P.(C) No.2764/2014 2 petitioner ought to have in my opinion moved the District Collector instead of moving the Tahsildar. It is evident from Ext.P1 that the petitioner has not drawn the attention of the District Collector to the mistakes alleged to have been committed in the resurvey records. In such circumstances, notwithstanding the fact that the order passed by the Lok Ayukta is evidently based on a misconception of facts, I am of the opinion that no interference is called for. The proper course in my opinion will be to relegate the petitioner to the remedy available to her under section 13A of the Act. I accordingly dispose of the writ petition with a direction that in the event of the petitioner invoking the jurisdiction of the District Collector, Thiruvananthapuram under section 13A of the Kerala Survey and Boundaries Act, 1961 by filing an appropriate representation before him, the District Collector shall cause an enquiry to be conducted and thereafter take an appropriate decision in the matter expeditiously and in any event within an outer limit of four months from the date on which the petitioner moves him in that regard. P.N.RAVINDRAN, (JUDGE) vps

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